



HB 745: Require background checks for certain school employees and volunteers

Summary: House Bill 745 (2025) revises Montana school laws to strengthen student safety requirements. The law directs school districts to adopt a Student Protection Policy requiring background checks for individuals who have unsupervised contact with students. It also requires correction plans when districts fail to comply.

School Board Trustees' Responsibilities:

- Update district policies and procedures to comply with HB 745 and adopt a Student Protection Policy that ensures:
 - Any individual (employee, contractor, or volunteer) who will have unsupervised contact with students while in school, at a school-sponsored activity, or in transit to a school-sponsored activity must complete a fingerprint-based national criminal history background check.
 - Background checks may be conducted through:
 - The Board of Public Education's licensure policies; or
 - The Montana Department of Justice, with results reviewed by trustees, the superintendent, or a designated individual.
- Enforce Compliance:
 - Districts failing to implement or follow their Student Protection Policy must submit a correction plan to the Superintendent of Public Instruction.
- Maintain Records:
 - Trustees must keep a permanent record of all adopted policies and board actions, including minutes and expenditures, consistent with existing MCA requirements.
- Educator Licensure:
 - The bill codifies that all educator license applicants must complete a fingerprint-based national background check before certification. This aligns law to what was already in Administrative rule.

Frequently Asked Questions (FAQ)

1. What type of background check is required?

A fingerprint-based national criminal history background check, either through the educator licensure process or through the Montana Department of Justice.

2. Who reviews the results?

Trustees, the superintendent, or a designated district official are to review the results of the background check.

3. What if a district fails to comply?

The district must submit a correction plan to the Office of Public Instruction (OPI).

4. Does this apply to parent volunteers?

Yes—if they will have unsupervised contact with students (e.g., chaperoning an overnight trip, traveling with a sports team... without staff present).

5. What if the volunteers are not left unsupervised, do they still need a background check? HB 745 does not require background checks for individuals who will not be left unattended with students while in school, at a school-sponsored activity, or in transit to a school-sponsored activity. School Boards can determine what background checks they deem appropriate for these circumstances.

6. What background checks are required for workplace learning opportunities or opportunities outside of school? The legislative intent of this bill is to reduce liability exposure for schools and to help ensure that individuals who may have unsupervised contact with students while in a school setting are subject to background checks.

School boards generally do not have oversight or regulatory authority over outside businesses, nonprofits, or organizations where students may engage in workplace learning opportunities or internships. Nonetheless, school boards may wish to take into account potential liability considerations, applicable requirements, the policies of partnering organizations, and the importance of parental consent and notification when facilitating student participation in opportunities outside of school.

This guidance is provided by the Montana Office of Public Instruction (OPI) to assist school boards and administrators in implementing HB 745. It is not legal advice. Districts should always consult with their legal counsel regarding legal questions or specific situations.

Contact Information

For questions or technical assistance, please contact:

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